

ADMINISTRATIVE LAW
Law 5382/25310
Spring 2025
Professor Andrew Lanham
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GENERAL COURSE INFORMATION

Meeting Times

Mon./Wed. 2:30–4:00pm, Room 310

Office Hours: Wed. 4:00–5:30pm, Room 430N

Course Materials

The primary text for our course is ILAN WURMAN, ADMINISTRATIVE LAW: THEORY AND FUNDAMENTALS—AN INTEGRATED APPROACH (2d edition, 2024). There are also two supplements posted to the “Modules” section on Canvas.

Course Overview and Learning Objectives

Administrative agencies engage in innumerable actions that affect every aspect of society on a daily basis. Focusing on administrative law at the federal level, this course will examine in depth the practices and procedures of federal agency action, primarily derived from the U.S. Constitution and the Administrative Procedure Act (APA). We will study, among other things, the sources of agency authority; the constitutional and statutory frameworks for, and limits on, agency action; the procedures that agencies use in rulemaking and adjudication; the legislative and executive mechanisms for controlling agency action; and the availability, process, scope, and timing of judicial review of agency actions.

Assessment

The grade for this course will be based on an open-book, open-note final exam (currently scheduled for 3 hours on May 7, 2025, per <https://www.law.uh.edu/schedule/>). However, the Electronic Blue Book (EBB) software will be set to prevent access to the rest of your computer, **so if you want your book with you, it will need to be a hard copy (the same goes for printing any notes or outline)**. Class preparation and participation is also a crucial part of the learning process. I will use a mix of taking volunteers and calling on students randomly. I understand,

however, that life happens, so if you are unprepared for a particular day, please inform me by noon on that day. Consistent, unexcused unpreparedness will result in a 1/3 drop in letter grade.

Honor Code

The [UHLC Honor Code](#) applies to all aspects of this course. You are responsible for knowing all Honor Code provisions and for complying with the Honor Code. Please inquire if you have any questions regarding how the Honor Code's provisions apply to specific activities or situations related to this course. Your continuing enrollment in this course is deemed to be a pledge by you under the Honor Code to comply with the Honor Code in relation to this course and to comply with the instructions in the course syllabus.

Artificial Intelligence

Generative artificial intelligence is a form of machine learning that creates new and original output based on the data it has been trained on, in response to prompts. Examples include generative “large language models” (LLMs), such as ChatGPT. LLM output can include text, images, music, code, and more. This syllabus policy covers the textual output of generative LLMs (AI-Generated Text). Because AI-Generated Text can often mimic human intelligence, it could potentially be used as a substitute for a student's own work product. Such use is potentially problematic to the extent that it becomes a substitute for internalized student understanding of the material or creates a dependency on AI-Generated Text, which may be strictly prohibited in settings that include the bar examination.

Therefore, subject to the exceptions immediately below, your continuing enrollment in this course constitutes your pledge not to generate or to use any AI-Generated Text—whether from yourself or others—in relation to any assessment in this course. The term “assessment” means *any graded or ungraded work product for this course that is submitted to the instructor, presented in a class session, or used in an oral or written graded assessment for this course.*

The following AI-Generated Text uses are narrowly defined exceptions to the preceding prohibition:

- You may generate and use AI-Generated Text for class preparation, although you must disclose the full extent of that use if I ask. You may generate and use AI-Generated Text for study supplements to aid with general understanding of course content. This could take different forms that include creating examples or explanations of a concept, generating diagrams and flow charts, “gamifying” course content, creating flash cards for study, or creating sample questions and answers.
- You may generate and use AI-Generated Text for an outline that summarizes the course content.
- You may use AI-Generated Text for the purpose of language translation.

Use of Computers and Other Electronics in Class

Out of respect for other students and the classroom environment, during class sessions computers should be used only for the purposes of accessing an electronic version of the casebook or taking notes. This prohibits computer use for internet surfing, chat rooms, e-mail, or other uses not related to the casebook or note-taking for class. I reserve the right to treat violations of this policy as either a lack of preparation, a constructive lack of attendance, or, in appropriate circumstances, as a disruption of the class. In addition, during class please disable the speaker on your computer and refrain from displaying wallpaper, screen savers, or other material on your laptop computer screen that can reasonably be expected to offend or distract your classmates. Also, please ensure that all other noise-making electronics, such as watches, cell phones, etc., are silenced.

READING SCHEDULE

We will cover approximately 50–60 pages per week. All page numbers listed below are from the casebook, except for two supplements, which are posted in the “Modules” section on Canvas.

Class	Date	Topic	Pages
1	Jan. 13	Overview of Administrative Law	7–11
		APA Framework and Rulemaking Authority	81–102
		APA § 553	1297–99
2	Jan. 15	The Use of Rulemaking within Adjudication	106–11
		Formal Rulemaking	111–19
		Informal Rulemaking: The <i>Vermont Yankee</i> Rule	120–30
3	Jan. 22	Informal Rulemaking Requirements: Notice, Comment, Basis & Purpose, Data Disclosure	131–61
4	Jan. 27	Informal Rulemaking: Ex Parte Communications	161–75 (to third note)
		Exemptions from Rulemaking: Subject Matter Exemptions & Good Cause Exemption	186–97
5	Jan. 29	Exemptions from Rulemaking: Procedural Rules, Interpretative Rules, Policy Statements	197–229

6	Feb. 3	The Choice of Rulemaking or Adjudication Formal Adjudication: Statutory Overview Informal Adjudication	241–59 259–60 269–81
7	Feb. 5	Judicial Review of Agency Reasoning APA § 706	287–319 1310–11
8	Feb. 10	Judicial Review of Agency Fact-Finding	336–57
9	Feb. 12	Judicial Review of Legal Questions: <i>Skidmore</i> and the (now-former) <i>Chevron</i> Framework	Supplement #1, 1–22
10	Feb. 17	Judicial Review Legal Questions: The New <i>Loper Bright</i> Framework	Supplement #1, 22–50
11	Feb. 19	The Major Questions Doctrine	Supplement #1, 92–103 and 124–41
12	Feb. 24	Judicial Review of Agency Discretion & Inaction	573–98
13	Feb. 26	Legislative Power & Delegation, part 1	599–629
14	Mar. 3	Legislative Power & Delegation, part 2 [Today’s materials are longer than usual, but tomorrow’s are shorter. Please plan your time for reading accordingly.]	Read notes 1 & 4 on pages 635–39 Read 639–77 (stop after <i>Gundy</i> Note 1)
15	Mar. 5	The Legislative Veto	697–17
16	Mar. 17	Presidential Power: Appointments	731–62 (stop after majority opinion in <i>Arthrex</i>)
17	Mar. 19	Presidential Power: Removals, part 1	775–97 and 807–14
18	Mar. 24	Presidential Power: Removals, part 2	816–33 834–41 (stop after part III.B of majority) 847–58 (just majority)

19	Mar. 26	Article III and Agency Adjudication, part 1	919–41
20	Mar. 31	Article III and Agency Adjudication, part 2	941–71
21	Apr. 2	The 7 th Amendment and Agency Adjudication	Supplement #2, 1–24
22	Apr. 7	When Does Due Process Apply to Agency Action?	979–97
		What Process Is Due?	1015–23
23	Apr. 9	Non-APA Causes of Action	1035–50
		The Presumption of Review and Zone of Interests, part 1	1050–63
24	Apr. 14	Zone of Interests, part 2	1064–79
		Statutory Preclusion of Review	1079–90
25	Apr. 16	Constitutional Standing	1094–1129
26	Apr. 21	Timing of Review: Finality & Exhaustion	1143–69
27	Apr. 23	Timing of Review: Ripeness	1178–93
		Timing of Review: Accrual of Claim	Supplement #2, 24–34
28	Apr. 28	Make up day if needed	

GENERAL UNIVERSITY OF HOUSTON POLICY INFORMATION

In addition to the course-specific information above, the University also wants you to have the following general information about resources and policies at UH.

A. Mental Health and Wellness Resources

The University of Houston has a number of resources to support students' mental health and overall wellness, including CoogsCARE and the UH Go App. UH Counseling and Psychological Services (CAPS) offers 24/7 mental health support for all students, addressing various concerns like stress, college adjustment and sadness. CAPS provides individual and couples counseling, group therapy, workshops and connections to other support services on and off-campus. For assistance visit uh.edu/caps, call 713-743-5454, or visit a Let's Talk location in-person or virtually. Let's Talk are daily, informal confidential consultations with CAPS therapists where no appointment or paperwork is needed.

Need Support Now?—If you or someone you know is struggling or in crisis, help is available. Call CAPS crisis support 24/7 at 713-743-5454, or the National Suicide and Crisis Lifeline: call or text 988, or chat 988lifeline.org.

B. Title IX/Sexual Misconduct

Per the UHS Sexual Misconduct Policy, your instructor is a “responsible employee” for reporting purposes under Title IX regulations and state law and must report incidents of sexual misconduct (sexual harassment, non-consensual sexual contact, sexual assault, sexual exploitation, sexual intimidation, intimate partner violence, or stalking) about which they become aware to the Title IX office. Please know there are places on campus where you can make a report in confidence. You can find more information about resources on the Title IX website at <https://uh.edu/equal-opportunity/title-ix-sexual-misconduct/resources/>.

C. Reasonable Academic Adjustments/Auxiliary Aids

The University of Houston is committed to providing an academic environment and educational programs that are accessible for its students. Any student with a disability who is experiencing barriers to learning, assessment or participation is encouraged to contact the Justin Dart, Jr. Student Accessibility Center (Dart Center) to learn more about academic accommodations and support that may be available to them. Students seeking academic accommodations will need to register with the Dart Center as soon as possible to ensure timely implementation of approved accommodations. Please contact the Dart Center by visiting the website:

<https://uh.edu/accessibility/> calling (713) 743-5400, or emailing jdcenter@Central.UH.EDU.

The Student Health Center offers a Psychiatry Clinic for enrolled UH students. Call 713-743-5149 during clinic hours, Monday through Friday 8 a.m. - 4:30 p.m. to schedule an appointment.

The A.D. Bruce Religion Center offers spiritual support and a variety of programs centered on well-being.

The Center for Student Advocacy and Community (CSAC) is where you can go if you need help but don't know where to start. CSAC is a “home away from home” and serves as a resource hub to help you get the resources needed to support academic and personal success. Through our Cougar Cupboard, all students can get up to 30 lbs of FREE groceries a week. Additionally, we provide 1:1 appointments to get you connected to on- and off-campus resources related to essential needs, safety and advocacy, and more. The Cougar Closet is a registered student organization advised by our office and offers free clothes to students so that all Coogs can feel good in their fit. We also host a series of cultural and community-based events that fosters social connection and helps the cougar community come closer together. Visit the CSAC homepage or follow us on Instagram: @uh_CSAC and @uhcupbrd. YOU belong here.

D. Women and Gender Resource Center

The mission of the WGRC is to advance the University of Houston and promote the success of all students, faculty, and staff through educating, empowering, and supporting the UH community. The WGRC suite is open to you. Stop by the office for a study space, to take a break, grab a snack, or check out one of the WGRC programs or resources. Stop by Student

Center South room B12 (Basement floor near Starbucks and down the hall from Creation Station) from 9 am to 5 pm Monday through Friday.

E. Recording of Class

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the Justin Dart, Jr. Student Accessibility Center. If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.